

Service Date: January 23, 2004

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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Development of State Implementation)	UTILITY DIVISION
Of the Federal Communications)	
Commission's Triennial Review)	DOCKET NO. D2003.5.62
)	ORDER NO. 6516b

ORDER CLOSING DOCKET

The Montana Public Service Commission (PSC) opened this docket in response to the Federal Communications Commission's *Triennial Review Order* for the purpose of determining whether Qwest Corporation would be required to continue to provide local circuit switching as an unbundled network element to competitors to serve mass market customers in Montana.

Intervenors in the docket include AT&T, MCI, OneEighty Communications and the Montana Consumer Counsel. Discovery has been served and answered, and a protective order was entered in this docket. Subpoenas were issued by Qwest to non-parties and are outstanding.

On December 11, 2003, Qwest filed a motion to postpone the current proceedings and to vacate all pending procedural requirements. Qwest argued that it would be imprudent and impractical at this time for Qwest to proceed with the docket.

In a Notice of Staff Action Requesting Response dated December 22, 2003, the PSC requested responses to Qwest's motion to close the docket. AT&T, MCI, and Montana Consumer Counsel submitted responses, and Qwest filed a reply to their responses. No intervenor objected to Qwest's motion to close the docket.

At its regularly scheduled business meeting on January 21, 2004, the PSC granted Qwest's motion to close this docket.

IT IS THEREFORE ORDERED THAT:

- 1) This docket is closed;

- 2) The procedural order is vacated, including the schedule related to the development of a batch hot cut process;
- 3) All outstanding discovery is vacated, and all outstanding subpoenas are hereby quashed;
- 4) All parties shall return or destroy all propriety material as contemplated by the terms of this docket's protective order dated November 26, 2003.
- 5) Staff will continue to monitor the multi-state collaborative forum regarding the batch hot cut process.

DONE AND DATED this 21st day of January 2004, by a vote of 5 to 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.